

REMARKS

Claims 1-16 are in the Application. Claims 10-12 have been allowed. Claims 4-9 and 14 have been objected to. Claims 1-3, 13, 15 and 16 stand rejected.

Claims 1, 2, 3, 13, 15 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Raquiza, Jr. (U.S. 6,202,622). The Examiner states that Raquiza discloses a variable compression ratio connecting rod 12 having an adjustable four-bar system 12b, 12d, 13, 14a, 14b extending between and linking large and small ends of the rod so as to permit the length of the rod to be adjusted. The Examiner continues with the argument that Raquiza discloses a primary link 12b extending between the rod's large end and small end 12a, with the primary link being pivotably attached to large end and with an adjustable toggle link 12d, 13 having first end pivotably attached to the primary link 12b and a second end pivotably attached to an eccentric journaled 14a, 14b within the large end such that rotational position of eccentric 14a, 14b determines the length of the connecting rod. Examiner notes that eccentric 14a, 14b is selectively positionable in a plurality of rotational positions. Applicants respectfully traverse the rejection of Claim 1, 2 and 3 pursuant to Raquiza and request that each of these Claims be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

The Examiner's contention that Raquiza discloses a four-bar system is in error. Examination of Raquiza's device shows that elements 12b and 12d are rigidly attached to one another. Although Raquiza has a pin 12e extending through his connecting rod, the fact is that the upper and lower ends of the rod are unitary and do not pivot with respect to one another. Rather, Raquiza's toggle 13 is actuated by cam 14a so as to cause the length of the connecting rod to change. There is neither a four-bar link, nor anything which behaves in the manner of a four-bar link in Raquiza's system.

A more fundamental problem with the use of Raquiza as a basis for rejecting Applicants' claims resides in the fact that Raquiza neither teaches nor suggests a variable compression ratio device. The fact of the matter is that Raquiza's connecting rod never changes the compression ratio of the engine because the piston always moves up to precisely the same final location during the compression stroke of the engine. The plain fact is that compression ratio is a

function of the clearance volume of the engine, and therefore, the position at which the piston ends its upward movement. With Raquiza's device, the piston always ends its upward movement in the same spot, and merely dwells in this position for some period of time. As a result, Raquiza is not a variable compression ratio device, it is a fixed compression ratio device and cannot comprise a colorable basis for rejection of Applicants' Claims 1, 2 and 3. Note, too, in this regard, that Raquiza's device is not controllable, because it is driven by crankshaft journals which are fixed upon the crankshaft and eminently non-adjustable.

As to Claims 13, 15 and 16, the Examiner is once again in error because Raquiza teaches nothing regarding a variable compression ratio connecting rod and nothing regarding a four-bar adjustment system. Claim 13 is therefore allowable over Raquiza, as are Claims 15 and 16, which depend therefrom. The Examiner should understand that Raquiza's device continually operates in the same manner; it is not adjustable. Raquiza's piston always has a dwell period about top dead center. Raquiza's piston and connecting rod do not comprise a variable compression ratio device, if for no other reasons that Raquiza's device is not adjustable and always produces the same compression ratio.

In conclusion, Applicants respectfully submit that each of the claims in this case is allowable over the prior art of record and should be passed to issue. Such action is earnestly solicited.

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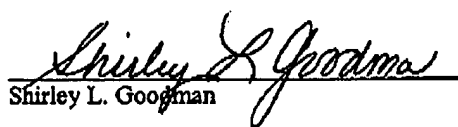
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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being sent via central fax # (703) 872-9306 to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9th day of May, 2005.


Shirley L. Goodman